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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,555	01/11/2002	Thomas Michael Anderson	CE04890N	9501

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EXAMINER

WASEL, MOHAMED A

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,555

Applicant(s)

ANDERSON ET AL.

Examiner

Mohamed Wasel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 18-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Response to Amendment

This action is responsive to Amendment filed on October 16, 2006. Claims 18-27 have been cancelled.

Claims 1-17 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dea et al, (hereinafter "Dea") U.S. Patent No. 5,742,833 in view of Goodman et al, (hereinafter "Goodman") U.S. Patent Application Pub. No. 2002/0097720.

1. As per claim 1, Dea teaches a method of communicating over a network bus, comprising:

a) routing registration information from a plurality of processor-enabled peripheral devices to a controlling software component (*col. 3 lines 20-24, col. 7 lines 35-52*);

b) routing a periodic heartbeat message from the controlling software component to the plurality of processor-enabled peripheral devices to enable each of the plurality of processor-enabled peripheral devices to maintain its registered status (*col. 7 lines 35-52*); and

c) if necessary, routing messages from the controlling software component to one or more of the plurality of processor-enabled peripheral devices on a discrete basis over the CAN bus to control the one or more of the plurality of processor-enabled peripheral devices (*col. 3 lines 20-24, col. 6 lines 7-28*).

Dea fails to explicitly teach devices communicate over a controller area network (CAN) bus.

However, Goodman discloses devices communicate over a controller area network (CAN) bus (*Paragraph [0004], [0028]*).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the applicants' invention to combine the teachings of Dea and Goodman because it provides an optimized way of transferring data and power between computer system hardware components.

2. As per claim 2, Dea teaches the method further comprising causing the controlling software component to consecutively receive frames of a multi-frame message transmitted from one of the plurality of processor-enabled peripheral devices (*col. 7 lines 36-53*).

3. As per claim 3, Dea teaches the method wherein the routing of messages from the controlling software component to one or more of the plurality of processor-enabled peripheral devices on a discrete basis to control the one or more of the plurality of processor-enabled peripheral devices comprises routing messages each having a like header to the one or more of the plurality of processor-enabled peripheral devices on a discrete basis to control the one or more of the plurality of processor-enabled peripheral devices (*col. 7 lines 36-53, col. 9 lines 19-48*).

4. As per claim 4, Dea teaches the method wherein the routing of messages each having a like header to one or more of the plurality of processor-enabled peripheral devices on a discrete basis to control the one or more of the plurality of processor-enabled peripheral devices comprises routing messages each having a common header component and a CAN header component to the one or more of the plurality of processor-enabled peripheral devices on a discrete basis to control the one or more of the plurality of processor-enabled peripheral devices (*col. 7 lines 36-53, col. 9 lines 19-48*).

5. As per claim 5, Dea teaches the method wherein the routing of messages each having a common header component and a CAN header component to the one or more of the plurality of processor-enabled peripheral devices on a discrete basis to control the one or more of the plurality of processor-enabled peripheral devices further comprises routing messages each having a common header component and a

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CAN header component without specific knowledge by the controlling software component of the CAN header component (*col. 7 lines 36-53, col. 9 lines 19-48*).

6. As per claim 6, Dea teaches a method of communicating over a network bus, comprising:

a) routing a registration message from a processor-enabled peripheral device to a controlling software component (*col. 3 lines 20-24, col. 7 lines 35-52*);

b) at the processor-enabled peripheral device, periodically receiving a heartbeat message from the controlling software component subsequent to the routing of a registration message from a processor-enabled peripheral device to a controlling software component (*col. 7 lines 35-52*); and

c) receiving at the processor-enabled peripheral device discrete control messages that are transmitted from the controlling software component (*col. 3 lines 20-24, col. 6 lines 7-28*).

Dea fails to explicitly teach devices communicate over a controller area network (CAN) bus.

However, Goodman discloses devices communicate over a controller area network (CAN) bus (*Paragraph [0004], [0028]*).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the applicants' invention to combine the teachings of Dea and Goodman because it provides an optimized way of transferring data and power between computer system hardware components.

7. As per claim 7, Dea teaches the method wherein the receiving at the processor-enabled peripheral device discrete control messages that are transmitted from the controlling software component comprises filtering the transmitted control messages at the processor-enabled peripheral device to enable only the discrete control messages intended specifically for the processor-enabled peripheral device to reach the processor-enabled peripheral device (*col. 7 lines 36-53, col. 9 lines 19-48, col. 10 lines 1-11*).

8. As per claim 8, Dea teaches the method wherein the filtering of the transmitted control messages at the processor-enabled peripheral device to enable only the discrete control messages intended

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specifically for the processor-enabled peripheral device to reach the processor-enabled peripheral device comprises filtering the transmitted control messages at the processor-enabled peripheral device via a hardware filter to determine whether the transmitted control messages are for a certain type of processor-controlled peripheral device, and filtering the transmitted control messages at the processor-enabled peripheral device via a software filter to determine processor-controlled peripheral device numbers from respective message CAN headers (*col. 3 lines 34-38, col. 10 lines 1-11*).

9. As per claim 9, Dea teaches the method further comprising receiving at the processor-enabled peripheral device all message frames following the processor-enabled peripheral device type and number information subsequent to the filtering of processor-enabled peripheral device type and number information from the discrete control messages intended specifically for the processor-enabled peripheral device (*col. 9 lines 6-18*).

10. As per claim 10, Dea teaches the method wherein the filtering the transmitted control messages at the processor-enabled peripheral device to enable only the discrete control messages intended specifically for the processor-enabled peripheral device to reach the processor-enabled peripheral device is invisible with respect to the controlling software component (*col. 9 lines 49-64*).

11. As per claim 11, Dea teaches the method further comprising, at the processor-enabled peripheral device, consecutively receiving frames of a multi-frame discrete control message (*col. 7 lines 36-53, col. 9 lines 19-48, col. 9 lines 6-18*).

12. As per claim 12, Dea teaches a network bus for enabling a controlling software component to communicate discretely with each of a plurality of processor-enabled peripheral devices irrespective of whether the processor-enabled peripheral devices are like devices (*col. 5 lines 1-16*), comprising:

a) a processor for routing control messages between the controlling software component and the plurality of processor-enabled peripheral devices (*col. 6 lines 7-28*);

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b) a plurality of bus lines for connecting the processor to the controlling software component and the plurality of processor-enabled peripheral devices (*col. 6 lines 7-28*); and

c) the processor for enabling the control messages to be discretely transmitted from the controlling software component to one or more of the plurality of processor-enabled peripheral devices (*col. 4 line 61 to col. 5 line 16*).

Dea fails to explicitly teach devices communicate over a controller area network (CAN) bus.

However, Goodman discloses devices communicate over a controller area network (CAN) bus (*Paragraph [0004], [0028]*).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the applicants' invention to combine the teachings of Dea and Goodman because it provides an optimized way of transferring data and power between computer system hardware components.

13. As per claim 13, Dea teaches the CAN bus wherein the processor is programmed with a software switch for enabling the controlling software component to consecutively receive frames of a multi-frame message transmitted from one of the plurality of processor-enabled peripheral devices (*col. 7 lines 36-53, col. 9 lines 6-18*).

14. As per claim 14, Dea teaches the CAN bus wherein the processor is programmed for enabling transmission of multi-frame CAN bus messages (*col. 9 lines 6-18*).

15. As per claim 15, Dea teaches the CAN bus wherein the processor is further for generating a CAN header component for each of the control messages transmitted from the controlling software component to enable the control messages to be discretely transmitted from the controlling software component to one or more of the plurality of processor-enabled peripheral devices (*col. 2 line 66 to col. 3 line 10, col. 7 lines 36-53, col. 9 lines 19-48*).

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16. As per claim 16, Dea teaches the CAN bus wherein the processor is further for causing frames of a multi-frame message transmitted to one of the plurality of processor-enabled peripheral devices from the controlling software component to be consecutively received at the one of the plurality of processor-enabled peripheral devices (*col. 7 lines 36-53, col. 7 lines 36-53, col. 9 lines 19-48*).

17. As per claim 17, Dea teaches the CAN bus wherein the processor and the plurality of bus lines are implemented on a controlling board of a wireless base station (*col. 6 lines 2-15*).

Response to Arguments

Applicant's arguments filed on October 16, 2006 have been fully considered but they are not persuasive. Therefore, rejection is maintained.

- In the remarks, Applicant argues in substance that:

- There is no suggestion to combine the references, the Examiner used improper hindsight, and that Dea and Goodman are non-analogous.

- In response to arguments:

Examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of the ordinary skill in the art at the time of the applicants' invention to combine the teachings of Dea and Goodman because it provides an optimized way of transmitting commands and data among hardware components in a system.

In response to applicant's argument that the Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on

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obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that Goodman is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Dea teaches an Ethernet network and the monitoring and transmission of packets over the Ethernet network. Meanwhile, Goodman teaches a method for enabling communication among nodes in a system. Therefore, at the very least, it is evident that Dea and Goodman are analogous arts and in similar fields of endeavor.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Wasel whose telephone number is (571) 272-2669. The examiner can normally be reached on Mon-Fri (8:00 am - 5:00 pm).

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NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800 9



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MW

December 6, 2006